

REMARKS

The examiner has withdrawn all rejections under 35 USC 102 and 103, leaving only a minor objection to claim 55, and rejections of a variety of claims under 35 USC 101 and 112, second paragraph.

An amendment has been made to claim 55 to correct the erroneous reference to cancelled claim 54.

Amendments have been made to claim 1 and many of the dependent claims to overcome the examiner's rejection of those claims under 35 USC 101 and 112, second paragraph. Both the 112 and 101 rejections stem from the claim language not being sufficiently careful in describing the deposit process. We have modified claim 1 (and the dependent claims) to be more careful in the use of the words "store" and "deposit". "Store" refers to an explicit storage operation, whereby a data item is recorded on disk. "Deposit" refers to the process whereby a client program asks the data repository to ensure that a data item identical to a deposited data item has been stored on disk. An explicit storage operation is only performed if an identical data item is not already stored on disk.

This change is reflected in the preamble to claim 1, which now talks about depositing rather than storing. This change is also reflected in the amendment replacing the former "storing" step with an "ensuring" step:

ensuring that a stored data item identical to the deposited data item exists in the data repository, by storing the deposited data item in the data repository if comparing establishes that there is no match, and not storing the deposited data item in the data repository if comparing establishes that a match is found;

This step always has a tangible result, namely at the end of this step there is a stored data item in the data repository that is identical with the deposited data item. This amendment overcomes the rejection under 35 USC 101.

Regarding the rejection under 35 USC 112, all references to "the stored data item" have been changed to "the stored data item identical to the deposited data item". This language works whether or not an explicit storage operation is performed as a result of the deposit request. This

change has been made in five dependent clauses of claim 1 (three of which replace "deposited data item" with this phrase and two of which augment the phrase "stored data item"). It has also been made in claims 10, 15, 31, 187 and 188. Claims 40, 41, 43 and 55 have been clarified in ways that remove other unclear reference to a data item.

In addition, the language used in claims 7, 8, 38, 48, 66, 67, 184, 185 and 192 has also been clarified even though there was no rejection under 35 USC 112. These clarifications reflect changes to the wording of the preamble to claim 1 as well as better attention to directly linking the claims to the wording in claim 1.

With these changes the application is believed to be in condition for allowance.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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